

# Michigan Commission of Agriculture Meeting Minutes

June 2000

**Michigan Department of Agriculture  
Commission of Agriculture  
Ottawa State Office Building, 4<sup>th</sup> Floor, Pridgeon Conference Room  
611 West Ottawa Street, Lansing, Michigan**

## **Meeting Minutes**

**May 31-June 1, 2000**

### **PRESENT:**

**James Maitland, Chair, Commission of Agriculture  
Jordan Tatter, Vice-Chair, Commission of Agriculture  
Shirley Skogman, Secretary, Commission of Agriculture  
Douglas Darling, Commission of Agriculture  
Deanna Stamp, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture**

### **OTHERS PRESENT: (*All or part of the meeting*):**

**Ron Zellar, Assistant Attorney General  
Michigan Department of Agriculture Staff  
Bob Bender, State Bovine Tuberculosis Eradication Coordinator  
David Bertram, Michigan Townships Association  
Sue Bila, Michigan Festivals and Events Association  
Jerry Campbell, Michigan Asparagus Growers, MACMA  
Perry DeKryger, Michigan Asparagus Advisory Board  
Tom Frazier, Senator Spencer Abraham's Office  
Tom Guthrie, Michigan Integrated Food and Farming Systems  
Richard Harlow, Michigan Department of Natural Resources  
Dr. Maynard Hogberg, Michigan State University  
Edward Hoogterp, Booth Newspapers  
Dan Marsh, Michigan Deer & Elk Breeders Association  
Ron Nelson, Michigan Farm Bureau  
Pat Norris, Michigan State University  
Virginia Zeeb**

### **CALL TO ORDER AND ROLL CALL**

**Chair James Maitland called the meeting of the Commission of Agriculture to order at 2:00 p.m., on Wednesday, May 31, 2000. Commissioner Skogman called the roll with Director Wyant and all Commissioners present.**

### **APPROVAL OF MAY 31-JUNE 1, 2000, MEETING AGENDA**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE MAY 31-JUNE 1, 2000, COMMISSION OF AGRICULTURE MEETING AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **APPROVAL OF MAY 10, 2000, MEETING MINUTES**

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE MAY 10, 2000, COMMISSION OF AGRICULTURE MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**NEXT MEETING:**

The next regular meeting of the Commission of Agriculture will be held on Monday, July 10, 2000, and Tuesday, July 11, 2000, in the Michigan Department of Agriculture Pidgeon Conference Room, 4<sup>th</sup> Floor, Ottawa State Office Building, 611 West Ottawa Street, Lansing, Michigan.

**APPROVAL OF COMMISSIONERS' PER DIEM AND TRAVEL:**

**MOTION: COMMISSIONER STAMP MOVED TO APPROVE:**

- COMMISSIONER TATTER'S PER DIEM AND TRAVEL TO ATTEND THE "SELECT MICHIGAN—GREAT LAKES, GREAT EARTH" CAMPAIGN NEWS CONFERENCE HELD IN COMSTOCK PARK, MICHIGAN, ON MAY 23, 2000;
- COMMISSIONER DARLING'S PER DIEM AND TRAVEL TO ATTEND THE BUCKEYE TREE DEDICATION HELD AT THE WELCOME CENTER IN MONROE, MICHIGAN, ON MAY 22, 2000.

**SECONDED. MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS' COMMENTS:**

Commissioner Douglas Darling reported that planting has basically come to a halt due to excessive rain. He represented the department at a Buckeye Tree Dedication held at the Monroe Welcome Center where representatives from Michigan's legislature, state government, Michigan State Police and the Ohio State Police were in attendance. Commissioner Darling has received positive comments about the outcome of the permanent normal trade relations agreement with China. He also has received questions about the bovine tuberculosis situation in Michigan, as well as the siting and odor control agricultural and management practices for livestock facilities.

Commissioner Shirley Skogman reported that even though the area is very dry they have finished planting potatoes. She has received concerns about dairy farmers being discriminated against at Wisconsin cattle sales because of Michigan's bovine tuberculosis situation. Reports are that Michigan cattle are being red ear-tagged and farmers are receiving a price differential. Commissioner Skogman asked what the protocol is for bringing animals into Michigan from other countries or into the Upper Peninsula from other parts of Michigan.

She was surprised to read an article in the *Marquette Mining Journal* that referred to the future potato processing plant at K.I. Sawyer. She also reported that Dave Holli has sold his sawmill to Louisiana Pacific, a national forest industry company. The gas prices in the Upper Peninsula are of great concern to area farmers. Lenders are hesitant to grant loans and want collateral other than equipment. This is adding to the financial hardship that farmers are already facing.

Director Wyant responded that Commissioner Skogman's concerns about bovine tuberculosis would be addressed during tomorrow's meeting.

Commissioner Tatter asked for an update on the closure of the Dave Holli sawmill.

Commissioner Deanna Stamp reported that crops in the Thumb area are going in rapidly and weather conditions have gone from dry to very wet in a short period of time. Since Indiana is not pseudorabies free in its hog industry, Commissioner Stamp asked what type of paperwork and testing requirements are required when hogs enter Michigan. If other states are posing restrictions on Michigan cattle, then we need to be sure to require the same type of certificates to protect our state from animal diseases that our state is free of. Concerns also have been raised about the number of veterinarians available to perform bovine tuberculosis testing. This could be a problem for getting 4-H animals tested in time for county fairs.

Commissioner Maitland asked if there would be a standardized testing requirement for all fairs.

Director Wyant responded that eventually there would be a standardized requirement, but currently, outside of the quarantine area, it is county by county. He believes this will be a transition year, whereby some counties will require testing and others will not. The need for more veterinarians is a problem.

Private practitioners have assisted in testing, but that assistance is dependent on the area involved.

Commissioner Stamp noted that private veterinarians are questioning if the fairs require testing, there is a 10-day retesting requirement, and if there is a responder on the caudal fold test, would that retest need to be performed by a state veterinarian.

Commissioner Maitland stated that it is important to communicate the answers to those questions to veterinarians and to the fairs as soon as possible.

Commissioner Jordan Tatter reported that Southwest Michigan is wet. Subsoil moisture is in good shape, but self-contained ponds are still low. There is some serious hail damage in northern Berrien County and adjacent western Van Buren County. Plant growth is about a week ahead of normal and similar to last year.

Commissioner Tatter spoke to a group of Tri-County elected and appointed officials at an Act 51 Transportation Forum, reporting on agriculture's concerns about our state's highways and bridges, and Michigan's transportation system funding in general. Commissioner Tatter reported that the last meeting of the Act 51 Transportation Funding Study Committee was held and its report is being published for delivery to the Legislature and the Governor ahead of schedule. The Committee has held more than 20 meetings since April of 1999.

Gary King and Mike Hansen of MDA, along with Representative Charles LaSata, met with southwest Michigan fruit growers to discuss abandoned orchards and vineyards and the three state laws that direct MDA in handling the concern. Commissioner Tatter attended and complimented MDA staff on their involvement and interaction with growers and Representative LaSata.

Commissioner Tatter represented Director Wyant at a "Select Michigan--Great Lakes, Great Earth" media event held at Fruit Basket Flowerland in Comstock Park. This was the public introduction of the new MDA logo and point-of-sale materials to promote Michigan's "Green Industries," in addition to the food products promotion under the "Select Michigan--Great Lakes, Great Tastes" version of the logo. MDA staff organized an excellent media event in an attractive and extensive nursery planting stock display.

The monthly meeting of the Michigan Frozen Food Packers Association featured Harvey Loveland, the General Manager of Northern Pride Processing, Inc., as its speaker. Northern Pride is the processing cooperative formed last year by 22 blueberry growers, two of which are also cranberry growers. The first year throughput was about five million pounds and they expect to double production this year. MDA, and specifically Bob Craig, was instrumental in the cooperative's formation and they are most appreciative of the efforts.

Commissioner Tatter noted that at tomorrow's meeting Jerry Campbell of MACMA's Asparagus Division would be discussing the serious situation affecting Michigan's asparagus industry. Commissioner Tatter distributed a copy of an article from the Benton Harbor *Herald Palladium* that addresses the issue.

Commissioner Tatter also believes that USDA's withdrawal of our TB free status on a statewide basis is not good science nor is it fair. A straight line from the south edge of the southernmost county in which TB infected livestock has been found to the north edge of the closest southern tier Michigan county is about 160 miles. The same TB event, if it had occurred in Connecticut, would encompass land in eight or more states based upon similar mileage without intervening presence of TB in livestock. Commissioner Tatter believes that the USDA would have confined its actions only to Connecticut. The USDA declaration has resulted in Indiana's, and perhaps other states', ill-advised action that impacts all Michigan livestock producers. Commissioner Tatter strongly believes that Michigan should still have split state status. Michigan and Indiana livestock can get close across a state line fence. Miles, not inches, and certainly not remote state lines, should be the "rule of reason."

Commissioner Tatter said that fireblight would be a major problem for Michigan's apple crop this year.

Commissioner James Maitland reported that Northern Lower Michigan has been relatively dry, but has received some rain during the last two weeks. However, the area is still short on rain. The fruit crop in the area is ahead of schedule.

## **DIRECTOR'S REPORT**

Director Wyant discussed the following:

- **Michigan State Fair**: The Michigan State Fair Advisory Council has met and the Nederlander renovation project is going forward. The Nederlander group continues to meet with city and neighboring communities to discuss the auto racetrack noise issue.
- **Bovine Tuberculosis**: USDA recently held a satellite conference and indicated that Michigan's status would be changed.
- **Michigan Agricultural Export Advisory Council**: The council has been discussing international marketing activities and what activities would be of most value to Michigan firms.
- **MDA/MSU Extension**: New York's Cornell University recently visited Michigan to discuss MDA's and MSU Extension's strong partnership. Cornell University is interested in developing a similar relationship with New York's state agriculture department.
- **Budget**: Senator McManus has recommended moving Project GREEN funds from MDA's budget to the Higher Education budget. The following recommendations were made: Michigan Biotechnology Institute, \$1.5 million appropriation; Ottawa County, \$150,000 for a pilot project on constructed wetland technology; and a \$450,000 increase for the Migrant Labor Housing Program; \$50,000 was appropriated for orchard and vineyard removal. \$1.5 million was added for soil conservation districts. Funds for bovine tuberculosis are built into the base and there is a supplemental bill of approximately \$20 million for three years between three departments (MDA/MDCH/DNR) to combat bovine tuberculosis.

U.S. Senator Spencer Abraham and U.S. Representative David Camp included \$6 million as part of an emergency farm aid package. The funds will be made available immediately through USDA for bovine tuberculosis for increased surveillance, to offset indemnification costs and for producer assistance programs.

## **LEGISLATIVE REPORT: Brad Deacon**

Brad Deacon, Legislative Liaison, distributed and reviewed the June 2000 Legislative Report. He highlighted the following legislative activity:

- HB 4427 and HB 4428 (Privately Owned Cervidae) passed out of the Senate and were sent to the House for concurrence on changes supported by MDA, DNR, the Michigan United Conservation Clubs, and the Deer and Elk Breeders Association.
- SB 1273 (Organic Standards) passed out of committee and is currently in the Senate. MDA is meeting with the restaurant, grocers and other retail outlets that have expressed concern about these standards.
- SB1270 (MTBE) passed the House, with a sunset date of 2003. The petroleum industry favors the sunset date. The Michigan Department of Environmental Quality agrees on a date of 2004, which is the same date in a bill that the Governor of New York signed to ban the use of MTBE. However, if federal action is taken earlier, Michigan would stay consistent with the federal action.
- The Drain Code will have its first hearing this week in the Senate. One major issue is the assessment of state lands.
- HB 4752 (Mail Order Alcohol) passed the House and is in the Senate. Michigan wineries are very concerned about this bill and the ability for direct mailing of wines and gift baskets. MDA is working with the Michigan Liquor Control Commission on the areas of concern.
- HB 5789 and HB 5790 (Food Service Inspection Reports) amend a law that has been repealed when the Food Code Law was signed into law.
- SB 830 (Property Tax Exemption) exempts personal property of an agriculture cooperative from

property tax. The bill passed the Senate and was referred to committee.

**PRESENTATION OF THE DRAFT "GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES:" Dr. Maynard Hogberg of Michigan State University**

Dr. Maynard Hogberg, Chair of the Department of Animal Science, Michigan State University, distributed and reviewed the draft *"Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities."* Dr. Hogberg said that all public comment received was reviewed and considered. After Dr. Hogberg's review and discussion of the draft, the Commission of Agriculture suggested the following changes:

Page 4, Paragraph 1, line 4: "...with OTHER applicable local ordinances."

Page 6, Paragraph 1, line 6: "...new and expanding residential housing should utilize the same CONSIDER setbackS recommendations to avoid potential land use conflicts."

Page 7, Paragraph 4, line 2: "...such as dairy cattle, poultry, beef cattle, sheep, swine and horses, ETC., are confined with a capacity of 50 animal units or greater AND THE ASSOCIATED MANURE STORAGE FACILITIES."

Page 7, Add Paragraph 7: **PROPERTY LINE SETBACK** – IS THE DISTANCE FROM THE LIVESTOCK PRODUCTION FACILITY TO THE PROPERTY LINE AS MEASURED FROM THE FACILITY TO THE NEAREST POINT OF THE FACILITY OWNER'S PROPERTY LINE.

Page 10, Table 2: "NON FARM Residences within Distance"

0-3 residences within ¼ mile

0-3 residences within ½ mile

Page 11, Table 3: "NON FARM Residences within Distance"

4-20 residences within ¼ mile

4-20 residences within ¼ mile

4-20 residences within ¼ mile

4-20 residences within ¼ mile

4-20 residences within ½ mile

Page 13, Paragraph 3,

line 8: "...75 feet of any known existing private domestic water supply (well-head)."

Page 14, Paragraph 2,

line 2: "...density exists are subject to appropriate setbacks to minimize...."

Page 14, Paragraph 3,

line 2: "...have housing at a density that necessitates appropriate setback distances...."

Page 15, Paragraph 1,

line 12: "A soils map WHERE for all livestock production facilities ARE LOCATED."

Page 16, Add Paragraph 5: **DEAD ANIMAL DISPOSAL PLAN** – IDENTIFY THE PROCESSES AND

## **PROCEDURES USED TO SAFELY DISPOSE OF THE BODIES OF DEAD ANIMALS (Act 239 of PA 1982)**

**Page 21, Paragraph 2,**

**line 7: "...panel of professionals have reviewed and reported a decision RECOMMENDATION on the proposed siting request to the Commission of Agriculture, no further appeals OF THAT SITE REVIEW AND VERIFICATION DECISION can be made to the Commission of Agriculture. THE FINAL DECISION RESTS WITH THE COMMISSION OF AGRICULTURE."**

**Page 22, Add Paragraph: THE SITE REVIEW AND VERIFICATION PROCESS WILL BE CONDUCTED IN ACCORDANCE WITH MICHIGAN DEPARTMENT OF AGRICULTURE PROCEDURES AND PROTOCOL.**

**Chair Maitland and Director Wyant expressed their appreciation to Dr. Hogberg and to the members of the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities committee. The Commission and MDA appreciate the time and effort put forth in order to meet the June 1 legislatively mandated deadline. Director Wyant noted that these practices would be reviewed on an annual basis.**

### **PUBLIC COMMENT ON "GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES:"**

**Elwood Kirkpatrick of the Michigan Milk Producers Association referred to the GAAMP and asked what inspection or permit costs would be the responsibility of a builder constructing a new and expanding facility.**

**Director Wyant responded that the inspections would be a service provided by the Department of Agriculture.**

**Tom Guthrie of the Michigan Integrated Food and Farming Systems referred to the GAAMP and recommended that on page 21 specific dates be designated. He also recommended that on page 16 the word "environmentally" be removed.**

**Ron Nelson of the Michigan Farm Bureau stressed the fact that this GAAMP would receive annual review. This will provide one year's experience before amending the document. One of the strengths of the Right to Farm Act is the annual review process. Mr. Nelson offered the Michigan Farm Bureau's assistance in educating the farmer about the new GAAMP.**

### **PUBLIC COMMENT ON "OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVID FACILITIES:"**

**Deputy Director Keith Creagh and Dr. Mike VanderKlok presented and reviewed the revised draft "*Operational Standards for Registered Privately Owned Cervid Facilities.*" The new draft incorporates the changes that were recommended by the Commission of Agriculture at its May 10, 2000, meeting.**

**After review and discussion, Commissioner Tatter recommended that item 3, on page 5, is separated into two items. After that change the items would read as follows:**

***-exempt from record keeping requirements....***

***-exempt from individual animal identification requirements....***

**Ron Nelson of the Michigan Farm Bureau stated that the Michigan Farm Bureau has received positive comments from the deer and elk industry on the operational standards. This is an opportunity for an industry and also provides another option for farmers. Mr. Nelson said that the Michigan Farm Bureau believes that the Michigan Department of Agriculture should always be the lead agency on all issues involving the privately owned cervid industry.**

Dan Marsh of the Michigan Elk and Deer Breeders Association stated that during the yearlong process of developing the standards, many positive things occurred. One in particular was the strengthened relationship between the cervid industry and state agencies. The deer and elk industry is looking forward to continuing that relationship in the future.

Chair Maitland asked for further public comment on the draft *"Generally Accepted Agricultural Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities,"* and on the *"Operational Standards for Registered Privately Owned Cervid Facilities."* Hearing none, Chair Maitland announced that time would be allowed on June 1, 2000, at 8:30 a.m, to receive additional public comment.

\* \* \*

Commissioner Tatter reviewed a Benton Harbor *Herald Palladium* news article entitled, *"Asparagus: How the drug war, duty dispensation and difficulties hit state growers,"* that he distributed during his Commissioner's comments. He said that Jerry Campbell of MACMA would attend tomorrow's Commission meeting to discuss Michigan's asparagus situation.

## RECESS

The meeting recessed at 5:00 p.m. on Wednesday, May 31, 2000.

## RECONVENE

The meeting reconvened at 8:30 a.m. on Thursday, June 1, 2000.

## PUBLIC COMMENT

No further public comment was received on the draft *"Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities."*

No further public comment was received on the draft *"Operational Standards for Registered Privately Owned Cervid Facilities."*

## DISCUSSION AND ACTION ON THE DRAFT GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES

Dr. Maynard Hogberg of Michigan State University and Vicki Pontz-Teachout, director of the Environmental Stewardship Division, reviewed the changes to the draft *"Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities"* as recommended by the Commission at its May 31, 2000, meeting.

**MOTION: COMMISSIONER STAMP MOVED TO APPROVE THE "GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK FACILITIES" WITH THE CHANGES AS RECOMMENDED BY THE COMMISSION OF AGRICULTURE ON MAY 31, 2000. SECONDED. MOTION CARRIED UNANIMOUSLY.**

## DISCUSSION AND ACTION ON THE DRAFT "OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVID FACILITIES."

Dr. Mike VanderKlok of the Animal Industry Division reviewed the change made to the *"Operational Standards for Registered Privately Owned Cervid Facilities"* as recommended by the Commission at its May 31, 2000, meeting.

**MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE "OPERATIONAL STANDARDS FOR REGISTERED PRIVATELY OWNED CERVID FACILITIES" AS AMENDED. SECONDED. MOTION**

**CARRIED UNANIMOUSLY.**

**UPDATE ON BOVINE TUBERCULOSIS: Dr. Nancy Frank, Animal Industry Division**

Dr. Nancy Frank of the Animal Industry Division provided the following update on bovine tuberculosis in Michigan:

- **Alcona County:** An animal from a 29 head beef cattle herd had gross lesions consistent with bovine tuberculosis. An epidemiologist is collecting information about the herd.
- **Alcona County:** A 300 head beef cattle herd that was recently tested produced two reactors on the comparative cervical test. One of the animals had gross lesions consistent with bovine TB.
- **Statewide Testing:** Over 70,000 animals have been tested statewide. Private practitioners continue to be a great asset in providing testing. There have been 237 comparative cervical suspects.

Chair Maitland suggested that as the retesting occurs those numbers be kept separate from the initial tests in order that the total number is accurate.

- **Recruiting:** Ads will be placed in a number of veterinary journals to recruit additional veterinarians.
- **Other States:** Dr. Michael Chaddock, director of the Animal Industry Division, attended a meeting of the north central region state veterinarians. Many states expressed concern about Michigan's bovine tuberculosis situation; however, none of those states agreed to lessen their testing requirements. Kansas is the most recent state to impose restrictions; those restrictions are consistent with Indiana and Minnesota.
- **State Status:** USDA will be extending the comment period for the proposed rule that would amend the bovine tuberculosis regulations to establish new levels of tuberculosis risk classifications to be applied to states and zones within states. A public hearing will be held on June 15, 2000, from 6:00 to 9:00 p.m., at the Michigan Library and Historical Center in Lansing, Michigan.

Because of the delay in changing the program standards, USDA will publish a rule changing Michigan's status to non-modified accredited statewide. Currently, Michigan is non-modified accredited in the I-75/M-55 area and accredited free in the rest of the state. Michigan expects that to be published in the Federal Register some time this month. After that change in status, the Pasteurized Milk Ordinance (PMO) will require that all dairy herds be tested annually. Since the I-75/M-55 area is already non-modified accredited, the PMO is already in effect. MDA's Food and Dairy Division will be sending a letter to all Michigan dairies to inform them of the annual testing requirement.

Commissioner Stamp asked if dairies would have one year from the date the status changes to have their herds tested.

Dr. Frank replied that was correct.

Commissioner Tatter noted that had it not been for the three deer found outside of the delineated area, Michigan would not have this problem. There would still be an isolated, well-defined area. He also said that Michigan is in the situation of having to prove the negative; that is, bovine tuberculosis is not in other domestic livestock in other portions of the state.

Commissioner Darling said since there were three deer found outside of the surveillance zone, should the area be expanded and would that help Michigan in the split state status.

Director Wyant responded that the state could change the boundary, but that would not affect what other states are requiring.

Commissioner Stamp agreed that unless testing is done statewide, no assurances can be made.



Commissioner Tatter noted that is still trying to prove the negative. The entire herd would have to be tested and then retested. Currently, herds are being found as infected when they tested free one year prior. Michigan is trapped in state lines when it is actually distance and incidence that are the important factors.

- **Laboratories/Diagnostic Testing:** Michigan has experienced some delay in receiving samples from the National Veterinary Services Laboratory. The facility is outdated, has space limitations, limited staff, and an increased number of samples coming in from all over the nation. Dr. Chaddock is working with USDA to have the Michigan Department of Community Health designated as a laboratory for tuberculosis.

Commissioner Tatter believes it is important that Michigan collect as much information as possible from comparative cervical suspect and reactor animals that come to the Animal Health Diagnostic Laboratory. By performing a diagnostic work up, this could enhance information about Johne's disease and other diseases that may cause a false positive reaction on a TB test.

Dr. Frank agreed, but added that would involve those animals that react on the comparative cervical test to have a complete diagnostic workup.

Commissioner Stamp said that producers would benefit by having some type of protocol in writing. Currently on her farm they are screening for Johnes on any animal that responds to the caudal fold test.

Dr. Frank replied that the best way is to perform the Johne's test on all animals. She explained that even if an animal reacts to a caudal fold test, there is no reliability that the animal would react even if it had Johne's. The best diagnostic tests for Johne's are blood tests and fecal cultures.

Commissioner Skogman inquired as to the testing requirements for cattle moving into the Upper Peninsula from the Lower Peninsula.

Dr. Frank said that there are no requirements, unless the cattle are from the I-75/M-55 area.

Commissioner Skogman asked about cattle coming into the state from Canada.

Dr. Frank said that cattle from Canada must meet U.S. standards as an international shipment. Testing would include brucellosis and TB testing requirements, as well as a health certificate.

Commissioner Tatter asked if MDA could develop a science-based, definitive statement on the likelihood of the TB organism surviving in cured hay that has been isolated from the deer population. What is the possibility of the organism surviving in hay from the quarantine zone that is harvested, field cured, baled, properly stored, isolated, and not exposed to random deer feeding?

Commissioner Stamp asked if he meant hay that is exposed to random grazing, but then harvested and dried.

Commissioner Tatter replied yes. There has been concern expressed about hay leaving the TB area or the state. He added that we certainly don't want animals that are possibly infected to leave the area, and he believes that a science-based, definitive statement about whether cured forage (not green chop, which would not leave the area anyway) should be allowed to leave the area.

Dr. Nancy Frank replied that would be something that USDA's Agricultural Research Service (ARS) in Ames, Iowa would have to do.

Commissioner Tatter agreed, but said it is something that MDA needs to ask for as soon as possible.

Director Wyant replied that MDA would request this information.

Commissioner Tatter added that we have to recognize that the sale of the cured forage (hay) may be the cash crop for a farm. We surely wouldn't want to find out we have shipped the disease in round or

square bales, or that we have damaged the ability to sell hay if there is fear out there that would cause out-of-state people not to buy Michigan hay or purchased within Michigan from the TB area by Michigan hay users. We need a science-based answer.

Commissioner Skogman asked if it was true that in Wisconsin they mark Michigan cattle with a red ear tag so when they go to feeder sales they receive a lower price.

Dr. Frank will confirm if that this is a true statement.

Commissioner Tatter asked how many TB animals have been found at slaughter facilities in Michigan.

Dr. Frank said that she would check with Dr. George Winegar of the Animal Industry Division and provide that information.

Commissioner Stamp asked about MDA's ability to follow-up on caudal fold suspects within the 10-day time frame, specifically as it relates to testing of fair animals. More and more fairs outside the quarantine area are requiring testing. Since MDA will only pay for whole herd testing, owners of herds with fair animals will likely want a whole herd test. With more whole herd testing going on right now, it is likely that we will be behind on our comparative cervical follow-ups. If MDA paid for individual animal testing for fairs throughout the state, we would have an easier time keeping up with comparative cervical tests until we are more fully staffed.

Dr. Frank agreed that this is a legitimate issue and the current policy may need to be revised until the staffing issues are resolved.

Chair Maitland asked if educational and informational meetings will continue to be held around the state.

Bob Bender, State Bovine Tuberculosis Eradication responded that those meetings are ongoing.

Chair Maitland referred to the upcoming Natural Resources Commission (NRC) meeting and a May 15, 2000, memorandum from DNR staff to the NRC on the recommended use of deer bait and feed.

Mr. Bender has had several conversations with members of the NRC about the issue. They have four options to consider for action at its June meeting as outlined in the May 15, 2000 memorandum.

Chair Maitland referred to a paragraph in the memorandum that reads *"In addition, the (Natural Resources) Commission may direct the Department to establish Administrative Rules requiring hunters to report their harvest in order to legally hunt deer the following year. The (Natural Resources) Commission may also direct the Department (of Natural Resources) to allow the use of bait or feed if TB is found in a county after the annual Hunting and Trapping Guide is printed. The use of bait or feed would then be banned after the conclusion of the deer season in that area."*

Chair Maitland believes that the agreed upon position was that additional deer with TB were found in any area, an immediate ban would be imposed on all baiting and feeding.

Mr. Bender agreed, but said he believes this is a timing issue.

Commissioner Darling noted that this issue is not about deer, it is not about hunting, and it is not about livestock. It is about disease eradication.

Chair Maitland stated that the Commission of Agriculture's resolution (*adopted on May 10, 2000*) and shared with DNR asked for an immediate ban.

Mr. Bender believes that the DNR is moving in that direction. The regulations this year would be more restrictive than last year, down from five to two gallons.

Commissioner Darling noted that Option 4 does not address a feeding or baiting ban.

Mr. Bender said there is debate among the DNR constituency and the Natural Resources Commission about the feeding and baiting issue.

Commissioner Darling believes that the feeding and baiting ban is not the cure-all. It is the first step. A great deal of money has been spent and it is important to be aggressive to eradicate the disease.

Commissioner Stamp agreed that public funds are being spent on this issue and it will be difficult to defend if every science-based recommendation is not considered.

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE FOLLOWING COMMISSION OF AGRICULTURE POSITION STATEMENT REGARDING BOVINE TUBERCULOSIS IN MICHIGAN LIVESTOCK:**

The loss of statewide accredited free status will result in major economic impact on livestock producers throughout the state. However, the vast majority of producers in the state have disease-free herds. It is the consensus of the Michigan Commission of Agriculture that the Department should continue to delineate and promote the concept of geographical isolation and resultant separation within Michigan of regulated areas based upon sound science.

Seconded. motion carried unanimously.

**APPROVAL TO PROCEED WITH ADMINISTRATIVE RULES FOR THE UPPER PENINSULA STATE FAIR:**  
**Barb Hensinger, director of the Fairs, Exhibitions and Racing Division**

Barb Hensinger, director of the Fairs, Exhibitions and Racing Division, reviewed the updated "*Michigan Department of Agriculture Regulation 852, Upper Peninsula State Fair.*" She explained that industry and the Upper Peninsula State Fair Board have reviewed the changes. Ms. Hensinger recommended that the Commission grant approval to move forward with public hearing on the proposed changes to Regulation 852. The regulations will be presented to the Commission after public hearing for final approval.

**MOTION: COMMISSIONER SKOGMAN MOVED TO RELEASE THE DRAFT "MICHIGAN DEPARTMENT OF AGRICULTURE REGULATION 852, UPPER PENINSULA STATE FAIR," FOR COMMENT. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**MICHIGAN ASPARAGUS GROWERS, MICHIGAN AGRICULTURAL COOPERATIVE MARKETING ASSOCIATION, INC. (MACMA): Jerry Campbell**

Jerry Campbell of the Michigan Asparagus Growers (MACMA) distributed the "*Asparagus Crop Statistics & Market Analysis Year Ending 1998,*" prepared by the Michigan Agricultural Cooperative Marketing Association (MACMA). He also distributed and reviewed the "*Michigan Asparagus Growers Division of MACMA June 30, 1999, Newsletter.*"

Mr. Campbell explained that this year importation of asparagus by Peru into the United States has adversely impacted the American asparagus growers and processors. Over five million pounds of frozen asparagus was imported from Peru. Asparagus comes into the United States duty-free. He added that this year's base price is only 63 cents a pounds, one cent more than last year. Michigan will most likely produce approximately 20 million pounds this year in canned and frozen asparagus, but 20 percent of the crop will be left in the field.

Commissioner Tatter recommended that the Michigan Asparagus Growers provide the Commission with a proposed resolution that the Commission could share with Michigan's Congressional delegation.

Mr. Campbell agreed and said he would keep the Commission informed on the issue.

**APPROVAL OF THE SELECTION CRITERIA AND SCORING SYSTEM FOR PURCHASE OF DEVELOPMENT RIGHTS (PDR): Richard Harlow, Michigan Department of Natural Resources**

Richard Harlow of the Michigan Department of Natural Resources reviewed and recommended approval of the revised *"Selection Criteria and Scoring System Purchase of Developments Rights (PDR)."* He also distributed *"Well Permits and Population Density as a Measure of Rural Development Pressure."*

Mr. Harlow explained that the PDR program has acquired the development rights on approximately 6,413 acres of land, representing 34 farms in Michigan. Four of those are actual donations of development rights, where farmers have decided to continue to farm their land and donate their development rights to the state. Those donations represent 618 acres of the 6,413 acres. Of the remainder of those acres, cases are pending for development rights purchase and if all owners choose to accept the offers, the acreage that will be preserved through the program will be 14,000 at the end of the year.

Mr. Harlow said in 1997 there were 768 applications for the program, and 37 were selected. In 1998 there were 311 applications, and 37 were selected. There was no 1999 application cycle due to staff working on program revisions. The revisions have been made to the score form and application; DNR is anticipating having a cycle in the year 2000. Currently there is a list of over 600 landowners interested in receiving applications.

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE "SELECTION CRITERIA AND SCORING SYSTEM FOR PURCHASE OF DEVELOPMENT RIGHTS (PDR)" AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF THE CERTIFICATES OF ADOPTION FOR REGULATION 810, "THOROUGHBRED BREEDERS' AWARDS, OWNERS' AWARDS AND STATE SUPPLEMENTS" AND REGULATION 821, "THOROUGHBRED SIRE STAKE RACES AND AWARDS PROGRAM:" Bill Woodman of the Fairs, Exhibitions and Racing Division**

Bill Woodman of the Fairs, Exhibitions and Racing Division reviewed and recommended adoption of "Regulation 810, Thoroughbred Breeders' Awards, Owners' Awards and State Supplements," and "Regulation 821, Thoroughbred Sire Stake Races and Awards Programs." Both regulations have been through the formal hearing process and are being presented to the Commission for approval.

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE CERTIFICATES OF ADOPTION FOR REGULATION 810, "THOROUGHBRED BREEDERS' AWARDS, OWNERS' AWARDS AND STATE SUPPLEMENTS," AND REGULATION 821, "THOROUGHBRED SIRE STAKE RACES AND AWARDS PROGRAMS." SECONDED. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT:**

Perry DeKryger, Executive Secretary of the Michigan Asparagus Advisory Board, distributed *"Tariff and Duties as they relate to Asparagus."* He said that the asparagus industry in Michigan this year has faced many unusual circumstances. The industry is very concerned about the importation of asparagus from Peru, Mexico and China. The consumption of canned fruits and vegetables is declining. The advisory board has encouraged growers to look at the fresh market as an outlet for asparagus. There are three major players in the asparagus industry in the United States: California, Washington and Michigan. The harvest begins in California, then Washington, then Michigan. Michigan's growing season ends in June and by that time there are no other production areas producing asparagus. This represents an opportunity to Michigan growers to market their asparagus in the fresh market.

Sue Bila of the Michigan Festivals and Events Association distributed and reviewed information about the Michigan Festivals and Events Association. She provided an update on the many activities of the association and expressed her appreciation to MDA and the Commission for their support. Ms. Bila said that the Michigan Festivals and Events Association is the leading state association in the nation

for festivals and events membership. The average association has about 200 members and Michigan Festivals and Events Association has over 750. She also explained that McDonald's Restaurants is using tray liners that promote Michigan fairs and festivals. Over 600,000 tray liners were printed and distributed to McDonald's Restaurants throughout Michigan. The Association also has a website, [www.mfea.com](http://www.mfea.com), with a link to MDA. Ms. Bila noted that the Michigan Festivals and Events Association's newsletter, "Festive Times," won a national award.

**ADJOURN:**

**MOTION: COMMISSIONER SKOGMAN MOVED TO ADJOURN THE MEETING AT 11:55 A.M. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**ATTACHMENTS:**

The following documents are on file in the Commission of Agriculture office and are available upon request:

**Attachment A Commission of Agriculture May 10, 2000, Meeting Minutes**

**Attachment B Benton Harbor *Herald Palladium* News Article, "Asparagus: How the drug war, duty dispensation and difficulties hit state growers"**

**Attachment C June 2000 Legislative Report**

**Attachment D Draft *Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities***

**Attachment E Draft *Operational Standards for Registered Privately Owned Cervid Facilities***

**Attachment F Michigan Department of Agriculture Regulation 852, Upper Peninsula State Fair**

**Attachment G "Asparagus Crop Statistics & Market Analysis Year Ending 1998"**

**Attachment H "Michigan Asparagus Growers Division of MACMA", Newsletter, June 30, 1999**

**Attachment I Selection Criteria and Scoring System Purchase of Development Rights**

**Attachment J Certificate of Adoption for Regulation 810, "*Thoroughbred Breeders' Awards, Owners' Awards and State Supplements*"**

**Attachment K Certificate of Adoption for Regulation 821, "*Thoroughbred Sire Stake Races and Awards Program*"**

**Attachment L "Tariff and Duties as they relate to Asparagus"**

**Attachment M Michigan Festivals and Events Association Information**